

United States District Court

WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

V.

ORDER OF DETENTION PENDING TRIAL

JAMES ALBERT SCOTTCase Number: 1:05-CR-181

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. §3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which the maximum term of imprisonment of ten years or more is prescribed in _____
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

Alternate Findings (A)

- ☒ (1) There is probable cause to believe that the defendant has committed an offense
- ☒ for which a maximum term of imprisonment of ten years or more is prescribed in 18 USC § 2251 & 2252(a)(2)
- ☐ under 18 U.S.C. §924(c).
- ☒ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternate Findings (B)

- ☐ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Defendant is charged with the sexual exploitation of a minor; specifically inducing a six-year-old female to engage in oral sex and other sexual activity which was then photographed and ultimately ended up on the internet. The factual evidence before the court shows that the repulsive acts engaged in by defendant with the minor child were deliberate and occurred over a period of time. In one of a string of emails to a school girl, with whom he discusses his acts with the minor child in detail, defendant writes: (continued on attachment)

Part II - Written Statement of Reasons for Detention

I find that the credible testimony and information submitted at the hearing establishes by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of the community, and more specifically the safety of minor females, based upon the un rebutted presumption and, alternatively, on the evidence produced in court that defendant was systematically and purposely exploiting a minor female approximately six years of age for his own sexual gratification, and that he believes such conduct is not only not reprehensible, but rather is desirable. (continued on attachment)

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: August 1, 2005


Signature of Judicial Officer

Hugh W. Brenneman, United States Magistrate Judge

Name and Title of Judicial Officer

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Alternate Findings (B) - (continued)

“As far as your mom is concerned, take it slow Kami, wait until the right moment. . . . but I am sure your mom would not approve, especially if your dad is hesitant. So don’t force things. Let him see you, when you are alone, wear some clothes that will really make him hot for you. . . . I am sure you are right, that there are lots of girls having sex. You are very normal Kami. There are lots and lots of young girls your age who think sex is good, fun and proper. Our society makes us all feel guilty about absolutely normal feelings. Do not suppress those feelings, though you should keep them under control.”

In another email, defendant writes to Kami:

“Just enjoy it, Kami. Be careful about choosing good partners, make sure they are trustworthy and safe to be with, then f_ _ _ and s_ _ _ their brains out. Have fun at it. . . . I think even a very young girl can enjoy f_ _ _ _ _ and s_ _ _ _ _ provided they are broken into it properly, gently and with loving tenderness. The trouble is so few people will accept that. So actually, many young people suffer from the lack of that sexual fondness and development and end up thinking sex is something to be avoided, something bad, even. Hope school is going well, what grade are you in? “

The defendant is retired with an adequate income and a small business on the side.

Part II - Written Statement of Reasons for Detention - (continued)

Further, it appears he was quite willing to convert another young girl to this way of life over the internet. Where a person does not believe this type of conduct is wrongful, the court can conceive of no conditions that will prevent him from getting access to the internet to continue this behavior.